

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

OWEN P. MARTIKAN (CABN 177104)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7241
Facsimile: (415) 436-7234
owen.martikan@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
NOE ARIAS-ORDONEZ,)
)
Defendant.)

No. CR 07-0738 MMC

**THE UNITED STATES' *EX PARTE*
MOTION FOR STAY OF ORDER
RE: DISMISSAL & RELEASE
PENDING APPEAL AND
[PROPOSED] ORDER**

The United States hereby moves the Court *ex parte*, pursuant to Northern District Local Rule 47-3, to stay the execution of its May 28, 2008 order of dismissal and release pertaining to defendant Noe Arias-Ordonez for 30 days, so that the United States can seek review of this Court's Order.

The reason for the requested stay is that Arias-Ordonez is subject to removal pursuant to an ICE detainer if they stay is not granted, rendering any review of this

//

1 Court's Order moot.

2
3 DATED: May 28, 2008

Respectfully Submitted,

4 JOSEPH P. RUSSONIELLO
5 United States Attorney

6 /s/ Owen Martikan
7 OWEN P. MARTIKAN
8 Assistant United States Attorney

9
10 **[PROPOSED] ORDER**

11 Pursuant to the United States' motion and for good cause shown, the Court hereby stays
12 execution of its Order of Dismissal and Release pertaining to defendant Noe Arias-Ordonez for
13 30 days, so that the United States may seek review of its Order.

14 SO ORDERED.

15
16 HON. MAXINE M. CHESNEY
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28